

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

JUL 14 2005

HARFORD COUNTY COUNCIL

Case No. 5501
Date Filed 7/1/05
Hearing Date _____
Receipt _____
Fee 50

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5501 MAP 40 TYPE Variance

ELECTION DISTRICT 03 LOCATION 1904 Medallion Court, Forest Hill

BY William Cooper

Appealed because a variance pursuant to Sec. 267-36B, Table IV of the Harford County Code to permit an addition to encroach the 40' rear yard setback (37' proposed) and a variance pursuant to Sec. 267-26C (6) of the Harford County Code to permit an existing basement stairway to encroach on the easement in a R1/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name William J Cooper Phone Number Cell 413 417 7002
WORK 410 706 4416
Home 410 420 3890
Address 1904 Medallion Court Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1904 Medallion Court
Forest Hill MD 21050

Subdivision Forest Lakes Lot Number 420

Acreage/Lot Size .40 Election District 03 Zoning R1/COS

Tax Map No. 40 Grid No. 2 D Parcel 321 Water/Sewer: Private ☒ Public ☒

List ALL structures on property and current use: 1 House - Residential

Estimated time required to present case: Ten minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

~~31.5' set back on lot 1~~
~~Medallion Court~~

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

**Description of Work to done on the Property
(Contingent on approval of the variance)**

Demolition

The existing 11' X 16' deck and HC Ramp will be removed. This was part of the original construction of the house.

Construction

A new 14' X 16' all season/sun room will be constructed at the rear of the property. The addition will utilize roofing material and siding that matches the existing house.

Windows will be similar to those used in the existing house. There will be a cathedral ceiling constructed of tong and groove wood and hardwood floors. There will be a skirt around the bottom of the structure that uses lattice.

A 13' X16' deck constructed of maintenance free material will also be constructed.

Request

The request is for a 2' to 3' variance on the 40' set back requirement at the rear of 1904 Medallion Court to allow the construction of a 14' X 16' all season/sun room. The all season/sun room addition will extend 3' beyond the existing deck. The addition will use siding and roofing that match the existing house. A new adjoining deck will be constructed of maintenance free materials that will match those of others on the court.

Justification

- The request for a 2' to 3' variance is not a material variance from the 40' set back requirement. It will not have a detrimental impact to adjacent properties nor materially impair the purpose of the code.
- Other lots in the development are slightly larger and or have shapes that are more conducive to making these types of additions. The configuration of the lot and placement of the house is not perfectly square with the rear property line.
- The internal layout of the house in conjunction with the lot does not easily permit the construction of this sunroom in another location. Unlike all other houses on the court this house is one story and has an unusually large footprint that does not fit well within the set backs of the lot. Construction on the Natural Resource District side of the house would require the relocation of a specially equipped bathroom that is internal to the master bedroom. Construction on the south side of the lot would take up space on limited flat ground at greatly added cost due to the over hang of the box window and heat pump.
- The addition has been reduced from 16' X 16' to 14' X 16' in consideration of the set back requirement. An additional reduction to 11' X 16' would create a hardship for a physically challenged individual living at the house.
- The addition will bring the above grade square footage of the house more in line with neighboring houses and positively impact property values. The house has 2,000 square feet above grade where other surrounding houses range from 2,500 to 4,500 square feet.
- There is a huge amount of open space adjacent to the house (many acres) so that the visual impact of a very minor variance (2'to 3') will not be noticeable.
- The rear of the house has a large upwardly sloping hill which has several trees that will eventually screen the view of the sun room from the view of the neighbor in the rear of the house.

Landscape Plan
(Required to shield view from rear property and break up visual site line)

There are several trees already planted directly to the rear of the house.

These include:

Three Dwarf Colorado Spruce Trees that will eventually grow to 15'H X 6'W

One River Birch that will eventually grow to 40'H X 15'W

One Limber Pine Tree that will eventually grow to 50'H X 12'W

Other trees planted to the rear of the house include:

One Weeping Willow

A 2nd River Birch

Three Crepe Myrtles (small trees)

GWS
PIN & CAP
SET

RAPID MEMO

FROM: CHERYL BANIGAN

DPW - ENGINEERING

TO:

HAZEL HARRIS

PLANNING & ZONING

DATE

7/7/05

SUBJECT

1904 MEDALLION CT, D & O

EASEMENT ENCROACHMENT
ON NORTHERN SIDE OF PROPERTY

AFTER A REVIEW OF CONSTRUCTION DRAWINGS AND A SITE VISIT, IT HAS BEEN DETERMINED THAT THE ENCROACHMENT OF CONCRETE STAIRS INTO THE DRAINAGE & UTILITY EASEMENT WILL HAVE NO ADVERSE EFFECT TO DRAINAGE IN THE AREA. ADDITIONALLY, THERE ARE NO COUNTY UTILITIES LOCATED WITHIN THE EASEMENT. THEREFORE, WE HAVE NO OBJECTION TO ALLOWING THE STAIRS TO REMAIN IN THE EASEMENT.

CC: W. Cooper

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



Anthony S. McClune
Acting Director of Planning & Zoning

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 4, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5501

APPLICANT/OWNER: William J. Cooper
1904 Medallion Court, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

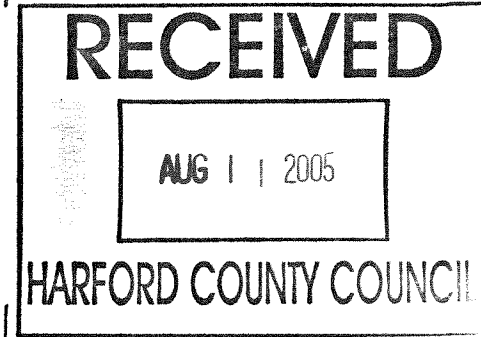
LOCATION: 1904 Medallion Court – Forest Lakes
Tax Map: 40 / Grid: 2D / Parcel: 321 / Lot: 420
Election District: Third (3)

ACREAGE: 0.40 of an acre

ZONING: R1/Urban Residential District/Conventional with Open Space
(R1/COS)

DATE FILED: July 1, 2005

HEARING DATE: August 29, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-36B, Table IV of the Harford County Code to permit an addition to encroach the 40-foot rear yard setback (37-feet proposed) and a variance pursuant to Section 267-26C(6) of the Harford County Code to permit an existing basement stairway to encroach on the easement in an R1/COS District.

~ Preserving Harford's past, promoting Harford's future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103
220 SOUTH MAIN STREET, BEL AIR, MARYLAND 21014 • www.harfordcountymd.gov

Enclosed with the report is a copy of Section 267-36B, Table IV of the Harford County Code (Attachment 2).

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located between Bel Air and Forest Hill, off the west side of Rocks Spring Road (MD Route 24) in the development of Forest Lakes. The lot is situated on the west side of Medallion Court, and is the third lot north of Osborne Parkway. The lot borders a wide area of non-tidal wetlands (NRD), recorded as open space on the north side. A location map, a copy of the Applicant's site plan, and a copy of the recorded plat are enclosed with the report (Attachments 3, 4, and 5).

The Land Use designations in this area of the County include Rural Residential, Low, Medium and High Intensities. The Natural Features Map shows areas of Sensitive Species Project Review Areas and stream systems. The subject property is designated as Medium Intensity, which is defined as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses conform to the intent of the 2004 Master Plan. Residential uses include single-family dwellings, townhouses, condominiums and apartments. Commercial uses primarily located along Rocks Spring Road (MD Route 24) include: individual retail, shopping centers, restaurants and automotive related uses. Other land uses include schools, churches, nursing homes and parks/recreational facilities. The topography of the area ranges from rolling to steep especially along the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 8 and 9).

The Applicant's property is approximately 0.40 acre in size and is basically square in shape. It is located on the west side of Medallion Court and is bordered on the north side by an area of

STAFF REPORT

Board of Appeals Case Number 5501

William Cooper

Page 3 of 4

Natural Resource District recorded as passive open space. From the rear of the dwelling the lot is level for approximately 15-feet, and then begins to sharply rise to the rear property line. Improvements consist of a one-story frame and stone single-family dwelling, with an attached 2-car garage, a concrete driveway, and a small deck on the rear. Off of the north or right side of the dwelling are two entrances to the basement; one by way of Bilco basement entry doors, and the other with an open set of concrete stairs leading to sliding glass doors. The open areaway to the basement is located within the drainage and utility easement. Enclosed is an aerial photograph of the area and site photographs (Attachment 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RR/Rural Residential, R1 and R2/Urban Residential Districts. Commercial zoned properties in the immediate are mainly zoned B2/Community Business District. The subject property is zoned R1/Urban Residential District and was developed under the Conventional with Open Space (COS) standards. Enclosed with the report is a copy of the Zoning Map (Attachment 12).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36B, Table IV of the Harford County Code to permit an addition to encroach the 40-foot rear yard setback (37-feet proposed) an a variance pursuant to Section 267-26C(6) of the Harford County Code to permit an existing basement stairway to encroach on the easement in an R1/COS District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The proposed year round sunroom will be 14-feet by 16-feet (Attachment 13), and will encroach approximately 3-feet into the 40-foot rear yard setback. The siding, roof and windows will be similar to the materials used on the existing house. Attached to the sunroom will be a new deck constructed of maintenance free materials that will match other decks in the neighborhood. The existing deck and handicapped ramp that was part of the original construction of the house will be removed.

The Department finds that the subject property is unique. The Applicant's property is one of the smaller lots on Medallion Court. The lot has a steep slope to the rear of the property and open space adjoining on the north side. The sunroom will be similar to other additions in the neighborhood. Because of the slope of the property and the adjacent NRD area the reduced setback will not be easily noticeable. The Applicant has submitted a letter from the Architectural

STAFF REPORT

Board of Appeals Case Number 5501

William Cooper

Page 4 of 4

Review Board extending their approval subject to the Applicant obtaining all necessary permits and approvals (Attachment 14).

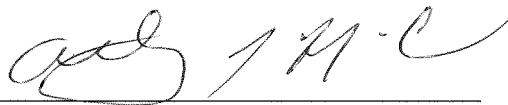
Attached to the north end of the dwelling there is a set of concrete steps down to a small landing that provide access to the basement. Because of the angle of the side property line and the location of the dwelling on the lot, a portion of the steps and upper landing encroach into the drainage and utility easement. The Department of Public Works has determined that the encroachment of the concrete stairs into the drainage and utility easement will not have any adverse effect on drainage. There are no utilities within the easement. The Department of Public Works has stated in the enclosed memo that they have no objection to the stairs remaining in the easement (Attachment 15).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variances be approved subject to the applicant obtaining all necessary permits for the sunroom and deck.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf